

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Roderick Williams,

Plaintiff,

v.

KIPP Minnesota,

Defendant.

Court File No.
Case Type: Employment

**NOTICE OF REMOVAL PURSUANT
TO 28 U.S.C. § 1446(a)**

TO: The United States District Court for the District of Minnesota, and Plaintiff
Roderick Williams through his attorney Eric Satre, Satre Law Firm, International
Plaza, 7900 International Drive, Suite 300, Bloomington, MN 55425.

Defendant KIPP Minnesota, through its attorneys John P. Edison and Dalia N.
Istephanous, Squires, Waldspurger & Mace, P.A., 333 South Seventh Street, Suite 2800,
Minneapolis, MN 55402, hereby petition the Court for the removal of this action from the
District Court of the State of Minnesota, County of Hennepin, Fourth Judicial District, to
the United States District Court for the District of Minnesota, Fourth Division pursuant to
28 U.S.C. § 1441 and § 1446. The Petitioner respectfully asserts to this Honorable Court
that:

1. Defendant in the above-entitled action is the Defendant in a civil action brought
against it in the District Court for the State of Minnesota, County of Hennepin, in a case
Roderick Williams v. KIPP Minnesota.

2. A true and correct copy of the Summons and Complaint (“Complaint”), dated May 1, 2023 in that action is attached as Exhibit A. The Complaint included only claims based on Minnesota law.

3. In lieu of serving an answer, Defendant served a motion to dismiss all claims in the Complaint pursuant to Rule 12.02(e) of the Minnesota Rules of Civil Procedure. A true and correct copy of the Defendant’s motion to dismiss, dated May 23, 2023, along with proof of service regarding the same, is attached hereto as Exhibit B.

4. On June 28, 2023, Plaintiff served an amended complaint (“Amended Complaint”) pursuant to Rule 15.01 of the Minnesota Rules of Civil Procedure. The Amended Complaint changed the claims asserted by Plaintiff in this lawsuit. Most notably, the claim asserted in Count I was changed from a race discrimination claim under the Minnesota Human Rights Act (Minn. Stat. § 365A.01 *et seq.*) to a race discrimination claim under 42 U.S.C. § 1981 (“Section 1981”). A true and correct copy of the Amended Complaint is attached as Exhibit C. The Amended Complaint asserted a claim based on federal law for the first time.

5. The Defendant’s Answer to the Amended Complaint, along with proof of service, was served on Plaintiff on July 23, 2023, and will be filed separately from this Notice of Removal.

6. As set forth above, Plaintiff asserts for the first time in the Amended Complaint that he has a cause of action under Section 1981.

7. The new Section 1981 claim in the Amended Complaint could have been brought originally in federal court under the original jurisdiction statute 28 U.S.C. § 1331 because of the federal question that has been asserted via Plaintiff's Section 1981 claim.

8. Pursuant to 28 U.S.C. § 1367, this Court may exercise supplemental jurisdiction over the remaining claims in Plaintiff's Amended Complaint because they arise out of the same case or controversy as the claims over which this Court has original Jurisdiction.

9. The documents attached as Exhibits A through C constitute all process, pleadings, and orders served upon the Defendant in the above matter.

10. Along with the filing of this Notice, notice has contemporaneously been provided to Plaintiff through his attorney and the Hennepin County, Minnesota District Court Clerk, pursuant to 28 U.S.C. § 1446(d).

11. Defendant respectfully submits that removal of this action is proper and that this Court has jurisdiction to adjudicate the dispute between the parties in this case.

WHEREFORE, Petitioner moves that this case proceed to this Court, the United States District Court for the District of Minnesota, Fourth Division as an action properly removed thereto.

[SIGNATURE PAGE FOLLOWS]

**SQUIRES, WALDSPURGER &
MACE P.A.**

Dated: July 24, 2023

By: *s/John P. Edison*

John P. Edison (#391118)

Dalia N. Istephanous (#0403617)

333 South Seventh St., Suite 2800

Minneapolis, MN 55402

Phone: (612) 436-4300

Fax: (612) 436-4340

john.edison@raswlaw.com

dalia.istephanous@raswlaw.com

**ATTORNEYS FOR DEFENDANT
KIPP MINNESOTA**

SWM: 243066